

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID HERBERT # 219463,

Plaintiff,

No. 07-CV-13284-DT

vs.

Hon. Gerald E. Rosen

UNITED STATES DEPARTMENT  
OF EDUCATION, et al.,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in the  
U.S. Courthouse, Detroit, Michigan  
on February 29, 2008

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

This action, filed by a prisoner *pro se*, having come before the Court on the January 24, 2008 Report and Recommendation of United States Magistrate Judge Charles E. Binder recommending that the Court dismiss Plaintiff's Complaint, with prejudice, pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, for failure to state a claim upon which relief can be granted; and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report and Recommendation, this case should be dismissed pursuant to §§ 1915(e)(2)(B) and 1915A; and the Court being otherwise fully

advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of January 22, 2008 [**Dkt. # 17**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's Complaint is DISMISSED in its entirety with prejudice.

Based on the foregoing, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: February 29, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 29, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager